Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128

LEGISLATIVE ANALYSIS

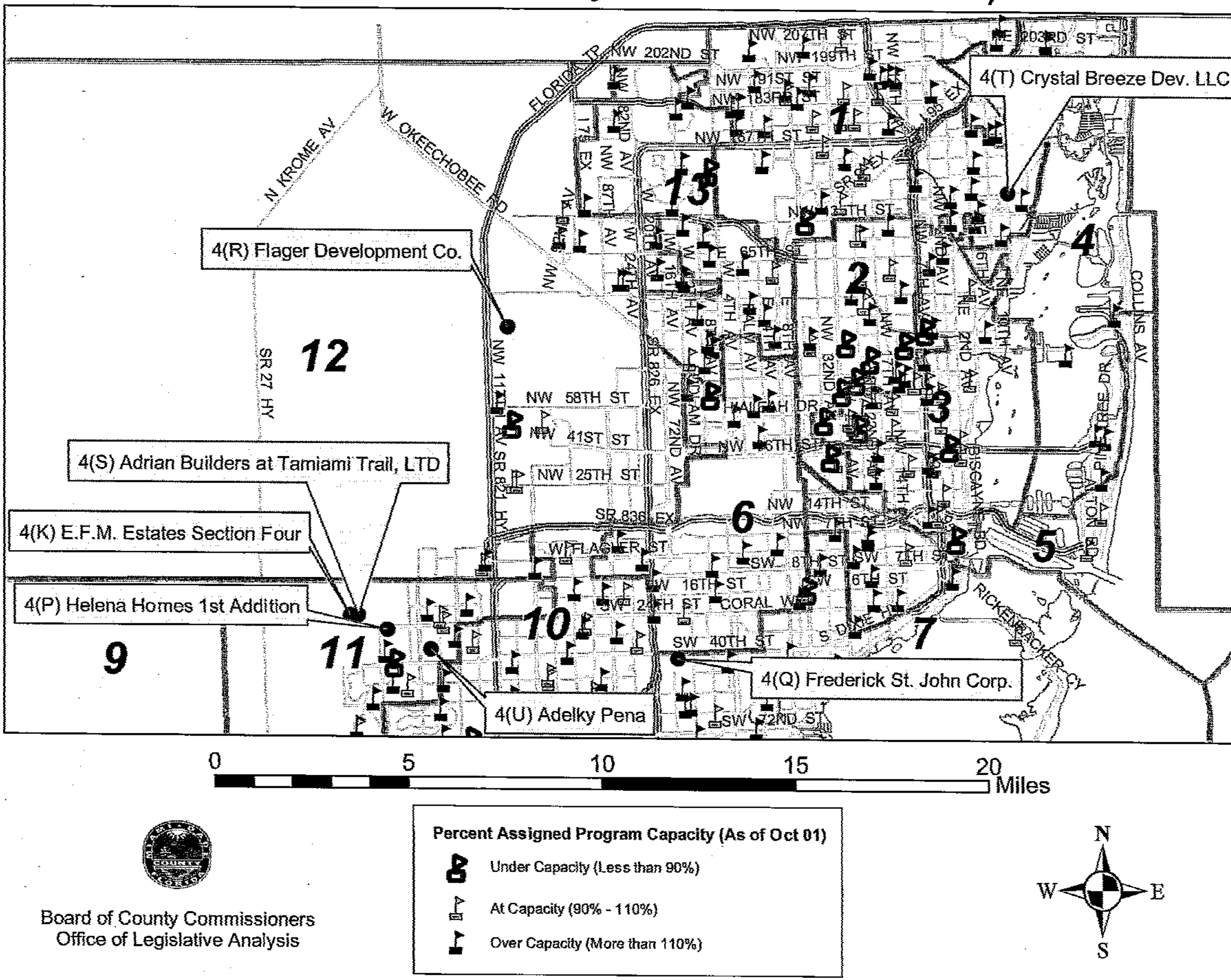
Tuesday, February 3rd , 2004
9:30 AM
Commission Chambers

Board of County Commissioners

NOTICE

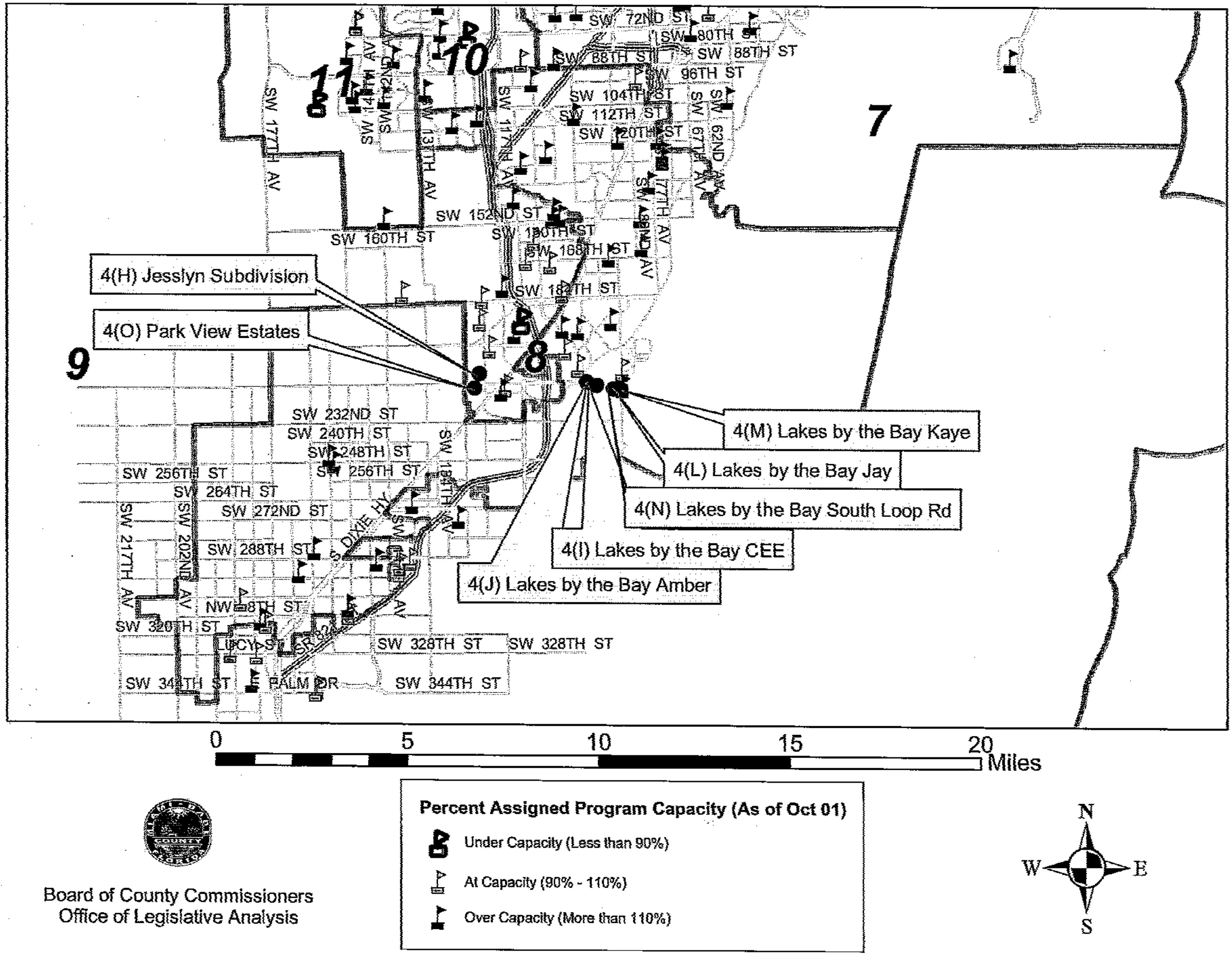
Additional items will be distributed on Monday, February 3rd , 2004.

Plats for BCC Approval February 3, 2004
(Miami-Dade County--North of Sunset Drive)



Board of County Commissioners
Office of Legislative Analysis

Plats for BCC Approval February 3, 2004
(Miami-Dade County--South of Sunset Drive)



Board of County Commissioners
Office of Legislative Analysis

BCC ITEM 6(B)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO AD VALOREM TAXATION; PROVIDING FOR AN ADDITIONAL REDUCTION IN ASSESSED VALUE FOR QUALIFYING LIVING QUARTERS OF PARENTS OR GRANDPARENTS OF OWNERS OF PROPERTY RECEIVING HOMESTEAD EXEMPTION; PROVIDING REQUIREMENT OF ANNUAL APPLICATION WITH SUPPORTING DOCUMENTATION; PROVIDING FOR WAIVER OF ENTITLEMENT TO A REDUCTION IN ASSESSED VALUE; PROVIDING PENALTY FOR GIVING FALSE INFORMATION; PROVIDING FOR REVALUING OF PROPERTY UPON TERMINATION OF REDUCTION; PROVIDING AN EFFECTIVE DATE, AND INCLUSION IN THE CODE [SEE ORIGINAL ITEM UNDER FILE NO. 033413]

Commissioner Bruno A. Barreiro
Chairperson Barbara Carey-Schuler, Ed.D.
Commissioner Joe A. Martinez
Commissioner Jimmy L. Morales
Commissioner Rebeca Sosa

I. SUMMARY

This ordinance allows Miami-Dade County to grant property tax exemptions for increases in the assessed value of homestead property as a result of constructing living quarters for a parent or grandparent (62 years or older) of the property owner (or the property owner's spouse).

II. PRESENT SITUATION

In the Nov. 2002 general election, voters statewide and in Miami-Dade County (67% and 75%, respectively) approved this amendment to the State Constitution. The Legislature passed the enabling legislation in 2003.

III. POLICY CHANGE AND IMPLICATION

An increase in assessed value as a result of adding living quarters for the covered persons *up to 20% of the total assessed value of the property* would be tax-exempt for *as long as the covered persons live there,* provided that the person claiming the reduction files an application[1] on or before March 1 each year. The Property Appraiser's Office (PA) indicates it will do a field inspection for every application, which may include interviews with the covered persons, to verify qualification for the exemption. When the property owner no longer qualifies for the reduction, the improvements will be added back to the tax roll.

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[1] The final application form has not yet been completed or approved by the Department of Revenue. For now, the PA is using an application provided by the State of Florida.

This exemption is not retroactive, meaning it would only apply to living quarters that are constructed after Jan. 7, 2003. The construction must also be completed prior to Jan. 1 of the year for which the reduction is sought. Penalties for false claims are subject to a civil penalty of up to $1,000 and being disqualified from claiming the exemption for five years.

IV. ECONOMIC IMPACT

When this legislation was initially passed, Florida House analysts estimated potential local government revenue loss of $4.5 million the first year.[2] At this point, it will take some time to estimate how many people will be utilizing this benefit, particularly because the legislation is not retroactive. The PA estimates $60,000 in initial administrative costs and the hiring of one Real Estate Evaluator 1 position ($54,700) to review applications, perform inspections and determine the value of the new construction. Depending on the workload in the future, additional staff may be needed.

V. COMMENTS AND QUESTIONS

This amendment has made it more financially feasible for residents to house elderly parents or spouses at home, rather than placing them in a nursing home or another facility.

[2] Lade, Diane C. "Backers Hope to Unite Generations…" *Sun-Sentinel.* October 20, 2002.

BCC ITEM 6(C)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE ESTABLISHING GUIDELINES FOR MIAMI-DADE COUNTY TO ACHIEVE MAXIMUM FEDERAL MATCHING FUNDING FOR HEALTH, SOCIAL AND HUMAN SERVICES PROGRAMS IN ACCORDANCE WITH THE LOCAL REVENUE MAXIMIZATION ACT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Chairperson Barbara Carey-Shuler, Ed.D.
Commissioner Dorrin D. Rolle
Commissioner Natacha Seijas

I. SUMMARY

This ordinance creates guidelines for Miami-Dade County to achieve maximum federal matching funding for health, social and human service programs in accordance with the Local Revenue Maximization Act described in Section 409.017, Fla. Stat. (2003). This legislation allows certified local funds to be used by these state agencies in an effort to obtain federal matching funds for the benefit of the political subdivisions. However, State agencies may use certified local funds only after state funds have been utilized.

II. PRESENT SITUATION

In response to state funds not being maximized in the area of health and human services, Senate Bill 1454, which has been codified into Section 409.017, Fla. Stat. (2003) was created. This statute mandates that all state agencies dealing with health and human services (i.e. Department of Children & Families, Agency for Workforce Innovation and Department of Elderly Affairs), implement legislation allowing for certified local funds to be used to obtain federal matching dollars. Participation by political subdivisions (counties, municipalities and special districts) is optional, but the mechanisms developed by state agencies are required to be in place.

III. POLICY CHANGE AND IMPLICATION

Although Florida Statute 409.017 makes it voluntary for the County to participate in this program, this ordinance would establish guidelines to ensure that the County maximizes opportunities for receiving federal matching funds.

IV. ECONOMIC IMPACT

The Revenue Maximization and Grants Coordination unit of the Office of Strategic Business Management, will be responsible for monitoring compliance with the Local Revenue Maximization Act, and coordinating grant applications. Staff indicates that three new positions have been created to assist with the increased responsibilities of the department. However, increased revenues as a result of this ordinance should cover the cost of these positions.

V. COMMENTS AND QUESTIONS

- Private funds donated to political subdivisions (counties, municipalities and special districts) may be used to obtain federal matching funds[1].

- State agencies may deduct administrative costs not to exceed 5% for implementing and monitoring local match programs[2].

- **Guidelines for State Agencies dispersing funds to local political subdivisions include[3]:**

  - Any federal funds received as a result of a political subdivisions local matching funds, must be dispersed to the localities with 30 days (subject to appropriation and release.

  - Political subdivisions must be provided an accounting of all federal funds received as a result of that subdivisions local matching funds.

  - Matching funds are not to influence or to be used as a factor in developing an agency's annual operating budget allocation.

  - State Agencies may create agreements with political subdivisions that requires the following:

    - Verification of eligibility of local programs and the individuals served
    - Develop and maintain financial records necessary for documenting the appropriate use of federal funds
    - Comply with all federal and state laws
    - Reimburse the cost of any disallowance of federal funds provided to a local political subdivision

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[1] Fla. Stat. 409.017(3)(c)
[2] Fla. Stat. 409.017(3)(g)
[3] Fla. Stat. 409.017(3)(d)

BCC ITEM 6(E)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING ORDINANCE NO. 03-71 PERTAINING TO MIAMI-DADE SPORTS COMMISSION TO DELETE ONE MEMBERSHIP CATEGORY AND ADD NEW MEMBERSHIP CATEGORY

I. SUMMARY

This Ordinance amends Ordinance No.03-71 pertaining to the Miami-Dade Sports Commission.

II. PRESENT SITUATION

The Miami-Dade County Sports Commission was created on April 8, 2003 by the BCC and is currently searching for a director.

III. POLICY CHANGE AND IMPLICATION

This Ordinance simply deletes a representative from the Amateur Athletic Association as a membership category on the board and replaces it with a representative who is involved in collegiate athletics. If approved the board of directors will consist of nine (9) voting members from the following organizations:

(1) A representative from the County Manager's Office
(2) A representative from the Miami-Dade Parks Department
(3) A representative from the Miami-Dade League of Cities
(4) A representative who is involved in collegiate athletics from one of the local universities
(5) A representative from the Miami-Dade School board
(6) A representative from the Greater Miami Convention and Visitors Bureau
(7) A representative from the Greater Miami and the Beaches Hotel Association
(8) A representative from the Greater Miami Chamber of Commerce
(9) A representative from the Orange Bowl Committee

Additionally, two members of the Board of County Commissioners shall serve as non-voting, ex-officio members of the Commission.

Each organization will appoint its representative to the board of directors, except for the representative involved in collegiate athletics from one of the local universities who will be appointed by the Board of County Commissioners.

IV. ECONOMIC IMPACT

There is no economic impact associated with this item.

V. COMMENTS AND QUESTIONS

None.

BCC ITEM 7(A)(1)(A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING ACTIONS OF COUNTY MANAGER, PURSUANT TO PROVISIONS OF ORDINANCE NO. 95-64, IN EXECUTING CHANGE ORDER NO. 2 TO PROJECT NO. B046B FOR MIA NEW NORTHSIDE RUNWAY AT MIAMI INTERNATIONAL AIRPORT, WITH GILBERT SOUTHERN CORPORATION

Aviation Department

I. SUMMARY

This resolution would ratify the County Manager's approval of Change Order No. 2 to the contract with Gilbert Southern Corp. for Miami for the North Runway at Miami International Airport (MIA). The net change resulting from this change order was the addition of 245 days (to February 28, 2004) with no change to the overall, $121,381,806 cost as previously approved through Change Order No. 1.

- Of the 245 added days by this Change Order:
  - 55 compensable days ($868,395 at $15,789 per day) were added because of scheduling issues;
  - 190 days were added for a FAA requested fiber optic cable project ($672,591 lump sum; reimbursable by FAA.)

  Note: At the January 15, 2004 Transportation Committee meeting, the County Manager was directed to have further explanation for the causes of the compensable days/added costs when this item is presented to the full BCC.

- Total contract costs would have decreased $6.76 million (-5.6%) in this change order if it were not for the following additions:
  - Approx. $3 million (including $868,395 in liquidated damages, at $15,789 per day, for 55 compensable days) to settle some of the contractor issues noticed to MDAD prior to June 16, 2003[1]; and
  - Addition of approx. $3 million to the general allowance account in anticipation of resolution of reserved/additional contract issues; and
  - $672,591 for FAA requested/FAA reimbursable work.

- Even in the highly unlikely event that all remaining and future issues are resolved in Gilbert Sullivan's favor, the adjusted total for this project appears likely to remain substantially less than the County's original estimate ($156.8 million per R-1370-00) and less than the next lowest bid ($146.2 million by Codina-Beers-APAC joint venture.)

MDAD reports that an additional change order will be necessary to adjust the FAA's 75% cost share downward to reflect project completion at lower than the originally estimated project cost.

[1] Does not include contractor's reserved issues, totaling $1,892,787 and no (0) days, as listed in the contractor's Reservation of Rights [handwritten pp. 14-17, BCC Item 7(A)(1)(A)].

II. PRESENT SITUATION

As previously reported to the BCC by MDAD, the new North Runway entered service on September 4, 2003.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Estimated Cost:	$156,815,104.92 (Per contract award approval, R-1370-00.)
Original Award:	$110,579,000.00 & 760 days
Adjusted Cost:	$121,381,806.00 (Change Order No. 1 added $10,802,806 for a new taxi lane)
	$121,381,806.00 & 1,005 days (Change Order No. 2 adds 245 days)

DBE Measure: 10%
DBE Status: 11%.

V. COMMENTS AND QUESTIONS

In the original contract award process, there had been concern about Gilbert Sullivan's compliance with the DBE requirements of 49 CFR 26. The County Manager's award recommendation was supported by correspondence from the Miami Airport Minority Affairs Committee and the Federal Aviation Agency, and the concerns were resolved to the BCC's satisfaction

Also, following the submission of their bid for this contract, Gilbert Southern had argued that it had mistakenly underbid this contract. However, the County found no errors in Gilbert Southern's submission, the County Attorney determined their bid to be responsive, and Gilbert Sullivan chose to honor their $110.6 million bid. (The next lowest bid was $146.2 million by Codina-Beers-APAC joint venture.)

Attachment # 1 to this Legislative Analysis contains further information about the original contract award process.

Attachment:

#1 Miami-Dade Legislative Item, File Nr. 003145, adopted as resolution R-1370-00 on December 19, 2000.

BCC ITEM 7(A)(2)(A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING COUNTY MANAGER TO PREPARE A STUDY RECOMMENDING HOW MIAMI INTERNATIONAL AIRPORT MAY BE MORE COMPETITIVE THAN OTHER AIRPORTS

Commissioner Rebeca Sosa

I. SUMMARY

This resolution would direct the County Manager to conduct a study and develop recommendations on how to make Miami International Airport more competitive.

II. PRESENT SITUATION

In the period June 2000-June 2003, available airline seats at Miami International Airport (MIA) decreased by 16% whereas Hollywood-Fort Lauderdale International Airport (FLL) had an 11% increase. Even MIA's primary air carrier, American Airlines, added 11 flights at FLL. An often cited rationale is that discount airlines (a.k.a. affordable airlines) favor FLL because FLL has 67% lower costs per enplaned passenger than MIA, \$5.03 at FLL vs. \$14.66 at MIA).[1] However, because services covered by the CEP differ and because airline passenger fares differ more than can be accounted for by CEP alone, further study is urgently needed to find ways to improve MIA's competitive position in the airline passenger marketplace.

III. POLICY CHANGE AND IMPLICATION

As a self-supporting proprietary department, it is essential that MIA maintain <u>and preferably improve</u> its competitive position in order to capitalize on the available passenger traffic and revenue. MIA's existing program to attract other carriers has had some success (such as the addition of Alaska Air) but more is needed.

IV. ECONOMIC IMPACT

In economic terms, international airline traffic has proven to be highly elastic...passenger counts and airline revenue decreased considerably due to international economic deterioration and post-9/11 security concerns. Federal Aviation Agency (FAA) passenger predictions are that international traffic will come back strongly by the later part of the decade. However, to date, MIA's internationally-focused business model has not adapted to attract a larger share of <u>today's</u> airline passenger market, including both discount carriers and traditional carriers seeking to lower operating costs.

Widespread perceptions of MIA being more costly and less customer friendly than Hollywood-Ft. Lauderdale Intl. Airport have led many residents and businesses to consciously avoid flying out of MIA. Recouping revenue lost through such public perceptions will pose significant, long-term public relations challenges.

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[1] Ina Paiva Cordle, The Miami Herald. (2003, July 8). Lauderdale still climbing

Attachment #1

The Miami Herald
Herald.com

Posted on Sat, Jan. 24, 2004

AIRLINES

United cuts flights from MIA, slashes staff

United Airlines is canceling its two remaining flights from Miami to Latin America, concentrating its international service from hubs like Chicago and Washington.

BY INA PAIVA CORDLE
icordle@herald.com

United Airlines, which has been shrinking in South Florida for years, is eliminating its last two daily flights from Miami to Latin America, laying off 150 workers and transferring up to 580 flight attendants and pilots.

On May 1, United will stop flying from Miami to Sao Paulo and Buenos Aires, retaining only its 10 daily flights between Miami and other U.S. cities. The airline will also close its Miami flight attendant base and will likely shift its pilot base. The 481 flight attendants and 99 pilots will be allowed to bid on flying from other cities.

The move is another blow to Miami International Airport, which isn't expected to recover from the 2001 terrorist attacks for four more years.

United and its alliance partners plan to occupy a new South Terminal, which is under construction. But it's too early to determine how United's reduced role could affect the terminal.

United's decision to cut the Miami flights hinges on its need to concentrate international flying from its hubs in Chicago, Washington and other cities, said Graham Atkinson, senior vice president of worldwide sales and alliances. The airline, which is operating under Chapter 11 bankruptcy protection, announced Friday that it will add three new routes, including Chicago-to-Buenos Aires, in November.

"Unfortunately for Miami, that comes at a cost in terms of the reallocation of resources," Atkinson said, adding that the two canceled Miami flights were the two largest money losers. ``The world has changed in the context of flights to South America. Ten years ago, almost all flying was from Miami and New York. Since then, there's been fragmentation of the market, and all carriers are flying from their own hubs to Latin America."

In Miami, United was dwarfed by American Airlines' Latin American hub, where passengers feed into flights from various connections.

"It's natural for United to pull out," said Ray Neidl, airline analyst with Blaylock & Partners. ``They were always a distant No. 2 in Miami and that's not a good position to be in."

United lost $27 million on the two Miami flights last year, said United spokesman Stephan Roth. The flight cancellations are expected to improve profitability by $30 million the first year.

In addition to its flights from Miami, United also flies four daily flights from Fort Lauderdale to Chicago. The airline plans to add a new flight Feb. 12 from Fort Lauderdale to Denver, on its new low-fare subsidiary, Ted.

Overall, United's action Friday will potentially affect 730 of 1,109 Miami employees.

The 150 laid-off workers -- ground service, kitchen, human resources and training personnel -- may be offered jobs in other cities, said Randy Rotondo, United's managing director of human resources.

The closure of the Miami flight attendant base means 481 employees may have to fly from other airports.

"It could be a tremendous disruption in the lives of those flight attendants," said Sara Dela Cruz, spokeswoman for the United flight attendants, members of the Association of Flight Attendants. Considered a senior base, Miami has flight attendants with 13 to 40-plus years of service with the airline.

"We didn't have any warning about this at all," she said. ``It's just another sign that labor and management relations are spiraling at this company."

Contractually mandated talks with pilots regarding closing the 99-pilot Miami base will begin soon. However, the contract does not prohibit the airline from closing its base, Rotondo said.

Herb Hunter, spokesman for the Air Line Pilots Association, said United's plans ``caught us completely off-guard."

"We're going to sit down and talk to them and see where this is going to go," said Hunter, a Boeing 747 captain who is now based in Chicago but lives in Coral Springs. ``It's not a certainty that the base will close."

United plans to retain its Coral Gables sales and marketing office. The office has 20 employees, down from 35 a year ago, said Ben Barrocas, managing director of Latin America sales and marketing.

Frequent fliers will still be able to fly to Sao Paulo, and on to Buenos Aires, on Star Alliance partner Varig.

United has been downsizing in Miami since the 1990s. At its peak in 1993, United had 45 daily flights from Miami. Last year, the airline stopped flying to Santiago, Chile, and Caracas, Venezuela, and it closed its Boeing 777 base, transferring about 100 pilots and 350 flight attendants.

Attachment #2

The Miami Herald
Herald.com

Posted on Tue, Jan. 13, 2004

AIR TRAVEL

Lauderdale airport tops in growth; MIA slips

The expansion of low-fare airlines has propelled Broward County's airport as the fastest growing in the nation. Miami has struggled with a dip in world travel.

By INA PAIVA CORDLE
icordle@herald.com

Continuing to grow faster than any other major airport, Fort Lauderdale-Hollywood International led the nation in boosting passenger seats during the past three years, a report released Monday shows.

Expansion from low-fare carriers -- the bright spot in a dismal industry -- and competition from major airlines propelled the Broward County airport to add 16 percent more seats in the past three years.

By contrast, Miami International Airport lost 13 percent of its seats -- the 11th worst showing among large airports -- from December 2000 to December 2003, according to the study by the Department of Transportation's Office of Inspector General.

The differences reflect the airports' divergent roles: Miami as an international gateway during a decline in global travel and Fort Lauderdale as a popular choice for domestic flights.

Much harder hit than Fort Lauderdale since the Sept. 11, 2001, terrorist attacks, Miami may not recover until 2008, said Steve Baker, deputy aviation director for Miami-Dade Aviation.

"We're not seeing the rebounding of the passenger volume as we had initially hoped," he said Monday.

Overall, only three of the nation's largest 31 airports -- Fort Lauderdale, New York's John F. Kennedy and Las Vegas -- saw an increase in passenger seats from December 2000 through December 2003, the inspector general's report found. St. Louis, Pittsburgh and San Francisco airports saw the worst declines -- 59 percent, 34 percent and 28 percent, respectively.

For Miami and Fort Lauderdale, the figures show improvement from a similar study conducted six months ago. From June 2000 to June 2003, Miami's seats shrank 16 percent, while Fort Lauderdale's rose 11 percent.

LOW-FARE NICHE

Fort Lauderdale has been benefiting as a niche for domestic low-fare carriers ever since Southwest chose the airport as its South Florida base in 1996. And with its focus on domestic flights, generally with lower fares than at Miami, its traffic quickly bounced back from the terrorist attacks.

Running a search on his website Monday, Bestfares.com Publisher Tom Parsons found that passengers could fly from Fort Lauderdale to 93 U.S. cities for $199 or less -- compared with 42 U.S. cities from Miami for $199 or less, he said.

"It's a very attractive tourist destination, a growing community, with very competitive ticket prices, and the costs for the airlines are very low here," said Fort Lauderdale-Hollywood spokesman Jim Reynolds. ``So that kind of winds up being a home run for everybody."

In terms of flights, Lauderdale gained 8 percent in the past three years and Miami lost 23 percent, the report says. The numbers don't exactly track with seats because of plane variety.

With airline costs of $4.24 per departing passenger -- vs. $14.66 at Miami -- discount carriers, like JetBlue Airways, Miramar-based Spirit Airlines and Delta Air Lines' Song, have flocked to Fort Lauderdale. None of them flies out of Miami.

In fact, from December 2000 to December 2003, JetBlue's passenger volume soared 296 percent at Fort Lauderdale, Spirit's rose 71 percent, and AirTran Airways' jumped 72 percent, said Ed Nelson, Fort Lauderdale-Hollywood's director of air service development. American Airlines, combined with the former TWA, boosted its passenger volume by 45 percent.

American flew so many passengers from Fort Lauderdale in December that it catapulted ahead of Southwest Airlines to be the second-largest carrier at the airport that month, after Delta Air Lines, Nelson said.

In the past year, Fort Lauderdale has also added new international carriers like Cayman Airways and Aeromexico, and new destinations such as Port-au-Prince, Santo Domingo, Dominican Republic, and Cancún, Mexico.

AIRPORT HIT HARD

Meanwhile, Miami, where 48 percent of its passengers are international, has been hurt by the war in Iraq, economic downturns in Latin America and elevated terrorism threat levels, Baker said.

"We continue to be hit by an assault of the factors that affect the propensity of desire for international travel," he said.

About a year ago, the airport hired aviation consultants SH&E to attract low-fare domestic carriers and additional international airlines. So far, some carriers have expressed interest, Baker said.

At Fort Lauderdale, low-fare airlines have set the bar low for domestic fares -- and major carriers have reduced their prices to compete.

Stewart Chiron, a frequent business traveler who lives in Coral Gables, checks fares at both Miami and Fort Lauderdale before booking a trip. Last week, he flew American out of Fort Lauderdale to Dallas/Fort Worth, because the fare for his overnight trip was $150 cheaper.

"I'm not going to fly out of Fort Lauderdale for $60 or $100 [less]," said Chiron, president of The Leisure Pros. ``But for $150 or more, with a similar schedule, I'm going to consider it."

Attachment #3

Sun-Sentinel.com

http://www.sun-sentinel.com/news/local/southflorida/sfl-113airportgrowth,0,4496064.story?coll=sfla-home-headlines

Fort Lauderdale-Hollywood airport leads nation in growth

By JOHN PAIN
Associated Press

January 13, 2004, 2:31 PM EST

MIAMI -- Fort Lauderdale-Hollywood International Airport led the nation in boosting airplane seats available for passengers during the past three years, while other major Florida airports had decreases, a federal report shows.

The Broward County airport added 16 percent more seats from December 2000 to December 2003, helped by the concentration of low-fare carriers at the airfield, according to a study released Monday by the Department of Transportation's Office of Inspector General.

``It's a very strong tourist destination still. There's an affluent population here that can afford to fly. The airport has kept the costs low for the airlines. It's located in the middle of the megalopolis that is South Florida. ... That has made it a home run," Fort Lauderdale-Hollywood spokesman Jim Reynolds said Tuesday.

Only three of the 31 U.S. airports in the study _ Fort Lauderdale, New York's John F. Kennedy (7 percent) and Las Vegas (1 percent) _ had an increase in passenger seats over the three-year period.

Both Tampa's and Orlando's international airports dropped 5 percent in passenger seats, but Miami International Airport had an even tougher time. It lost 13 percent of its seats over the same period _ 11th worst among the 31 airports.

Miami, Florida's top airport for international travel, has been hurt as people have been wary of flying abroad since the Sept. 11, 2001, terrorist attacks. U.S. travel hasn't suffered as much, so Fort Lauderdale has benefited from its popularity with domestic carriers.

Key to that popularity has been the airport's low costs for airlines _ $4.24 per departing passenger compared to $14.66 at Miami. That helped lure low-fare carriers.

Southwest Airlines Co. chose Fort Lauderdale as its South Florida base in 1996. The largest U.S. low-cost airline has been among the few profitable, expanding airlines and its traffic quickly bounced back from the terrorist attacks.

BCC ITEM 7(D)(1)(D)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION IN EXECUTING AMENDMENT NUMBER ONE TO AGREEMENT NUMBER G0010 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE CENTRAL MIAMI-DADE WATERSHED PLANNING PROJECT

Department of Environmental Resource Management

I. SUMMARY

Item is a ratification of Amendment No. One to Agreement Number G0010 with the Florida Department of Environmental Protection (FDEP) for the Coastal Impact Assistance Program Grant.

II. PRESENT SITUATION

On June 2, 2002, the BCC approved a resolution authorizing the County Manager to execute an agreement with the State of Florida which provided Miami Dade County with $750,000 for the Coastal Impact Assistance Program Grant. Staff is requesting approval of the Amendment to provide reimbursement of the consultant's fee for this project in the amount not to exceed $567,169 and adjustments to the Salaries and Fringe Benefits amounts.

III. POLICY CHANGE AND IMPLICATION

Retroactive changes include:

	Original Amount	Amended Amount
Salaries from	$279,045	$96,135
Fringe Benefits	$244,623	$72,696
Other Category increase from	$212,332	$567,169*

*not to exceed reimbursement of the consultant's fee for this project

IV. ECONOMIC IMPACT

There is no economic impact because the overall total amount of the grant ($750,000) has not changed. The Amendment only redistributes the funds within the budget.

V. COMMENTS AND QUESTIONS

This amendment is retroactive because the County Manager approved the changes due to a ten day turn around request from the FDEP.

BCC ITEM 7 (F) (1) (B)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT
RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 2153 CORAL WAY, MIAMI, WITH 2153 CORAL WAY ASSOC., LLP, FOR PREMISES TO BE UTILIZED BY MIAMI-DADE HOUSING AGENCY FOR ADMINISTRATION OFFICES; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

General Services Administration Department

I. SUMMARY

This item facilitates the continuation of Miami Dade Housing Agency's (MDHA) lease agreement at 2153 Coral Way.

II. PRESENT SITUATION

Presently, MDHA occupies this building and has done so since 1996. The building's square footage is 28,500 of usable square feet of air-conditioned space currently occupied by MDHA. The lease allows the County to occupy the complete square footage, as well as the entire 92 covered space three story parking garage. There are 126 MDHA employees in this building that occupy 8,926 square feet. The remaining space is utilized for a reception area, conference room, file room, storage area, equipment room, lunch room, interoffice circulation, as well as Inter Departmental Circulation.

Timeline of the cost per square footage (prior lease agreements since 1996:

- ***1996 – 1997*** ***$16.00 per square foot (psf)***
- ***New lease 1997*** ***$14.80***
- ***1998*** ***$15.01***
- ***1999*** ***$15.26***
- ***2000*** ***$15.74***
- ***2001*** ***$15.74***
- ***2002*** ***$16.38***
- ***2003*** ***$16.73***

Annual rent for the first year is $580,545.00 payable on the first day of every month for twelve consecutive months, this amounts equates to $48,378.75 per month, and the square footage is equal to $320.37 per square foot.

III. POLICY CHANGE AND IMPLICATION

This item is consistent with County policies and procedures regarding lease agreements.

IV. ECONOMIC IMPACT

The funding source associated with this item is an Administrative Fee earned from the Section 8 Voucher program.

V. COMMENTS AND QUESTIONS

1. *This building was owned by Hemisphere Center, Ltd. From 1998 to 2000. The building is now owned by 2153 Coral Way Associates. LLP.*

BCC ITEM 7 (F) (1) (C)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT
RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 3600 N.W. 199 STREET, MIAMI, WITH THE Y.W.C.A. OF GREATER MIAMI AND DADE COUNTY, INC, FOR PREMISES TO BE UTILIZED BY MIAMI-DADE HOUSING AGENCY; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

General Services Administration Department

I. SUMMARY

This item authorizes a lease agreement between Miami Dade Housing Agency (MDHA) and the YWCA for a 6,256 rentable office and warehouse facility located at 3600 Northwest 199th Street.

II. PRESENT SITUATION

Presently, The YWCA allowed MDHA to utilize the office and warehouse space rent-free for many years. However, the County and the YWCA have been negotiating since April of 2002. During this period of time the YWCA was negotiating the sale of the building and did not want a lease encumbering the property. The proposed buyer is represented by Sanford A. Freeman as attorney for the prospective limited liability company.

III. POLICY CHANGE AND IMPLICATION

There is no policy change associated with this item. This item is consistent with County policies and procedures regarding lease agreements.

IV. ECONOMIC IMPACT

The economic impact associated with this item is $7.50 (6,256 square feet) per square foot. Annual rent for the first year is $46,920.00. The lease term will be adjusted by three percent on an annual basis.

BCC ITEM 7 (F) (1) (C)
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V. COMMENTS AND QUESTIONS

- The proposed buyer has not been named, but is represented by Sanford A. Freeman.

BCC ITEM 7 (G) (1) (A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT
RESOLUTION REJECTING ALL BIDS IN CONNECTION WITH THE BID OPENED ON JANUARY 29, 2003, REHABILITATION OF ELIZABETH VIRRICK, AN ELDERLY PUBLIC HOUSING DEVELOPMENT (PROJECT NO. 5-029)

Miami Dade Housing Agency

I. SUMMARY

This item rejects all bids for rehabilitation in association with Elizabeth Virrick Village I & II Public Housing Development comprehensive modernization.

II. PRESENT SITUATION

Elizabeth Virrick Village I & II is a deteriorated elderly housing development located at 1615 N.W. 25th Avenue and 2820 N.W. 23rd Avenue. This deteriorated site has been an eye sore to the community and has been vacant for well over two years. The following is a chronology of events that began in June of 2002.

CHRONOLOGY OF EVENTS ON THE TWO SEPARATE BIDS

There have been two separate bids for the comprehensive modernization of Elizabeth Virrick Village I & II elderly public housing developments. After thorough review of the events of both bid procedures, MDHA recommends that this project be demolished and rebuilt.

- ***This contract was bid first on June 5, 2002.*** Unitech Builders Corporation was the only bidder that responded to the bid with a total bid amount of $2,898,315. Hence, Office of Capital Improvements Construction Coordination (CICC) recommended a rejection of the bid and re-advertisement through the Board of County Commissioners on November 19, 2003.
- ***The second bid opening was January 29, 2003.*** Eleven bidders responded to the second contract bid.
- ***The lowest responsive bidder was Landel Construction Corporation with a total bid amount of $2,455,000.*** Landel was deemed non –responsive for failure to submit a bid guarantee.
- ***The second lowest bidder was F & L Construction, Incorporated with a total bid amount of $2,695,000.*** F & L was declared non-responsive for failure to comply **Ordinance 97-104:** to make a listing of subcontractors and suppliers, payment of

- delinquent or currently due fees and taxes, disclosure of felony conviction and provision of drug-free workplace conditions of award. According to staff, **Ordinance 00-30:** County contracts for $100,000 or more, all such contracts shall require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract work and all suppliers who will supply materials for the contract work directly to the contractor. Despite the fact that **Ordinance 97-04** is superseded by Ordinance 00-30, staff could not change the bidding rules after the fact. Hence, this would have given an advantage to the bidders which did not comply with this particular bid requirement.

- ***The third lowest bidder was Grace & Naeem Uddin, Incorporated with a total bid amount of $2,702,150.*** Grace was deemed non-responsive for failure to make use of the proper Unit Price Table, as well as failure to comply with **Ordinance 97-104.**

- ***The fourth lowest bidder was Fonticella Construction Corporation, with the total bid amount of $2,952,071.*** Fonitcella was responsive, however after reviewing AARYA Construction, the fifth lowest bidder was determined to have Section 3 preference in accordance with Miami Dade Housing Agency (MDHA) Section 3-Office of Quality Assurance and Compliance.

Section 3 Preference

Is a requirement of all MDHA contracts to give preference to a prospective bidder if said bidder is willing to train and hire people from the housing development itself, and or any other public housing development. The Section targets very low income residents earning 30% of the median income (48,200)

- ***The fifth lowest bidder was AARYA Construction Corporation with a total bid amount of $3,025,000.*** *AARYA was recommended for award as a result of their Section 3 preference, despite the fact that there is a* ***$570,000 difference between the lowest bidder (Landel Construction) and their total bid amount and a $330,000 difference between the second lowest.***
- Hence, Fonticella filed a bid protest on May 19, 2003. The bid protest hearing was heard was held on June 9, 2003 and the hearing examiner concluded that it would uphold MDHA's decision to award the contract to AARYA. However, the Count Manager rejected this recommendation and recommended to award

to F& L, the second lowest bidder as advised by CCIC. *Primarily, this decision was made in an effort to save the County approximately $330,000.*

- ***On September 29, 2003,*** a second bid protest was filed and the arbitrator on October 20, 2003, ruled in favor of awarding the contract to AARYA Construction. Following this decision the County Manager's staff on November 4, 2003 was contemplating re-bidding this contact for the third time. However, it was MDHA's desire to award the contract to AARYA, because their total bid amount was within 10%, as well as it was the recommendation of the hearing examiner. Likewise, other factors were being considered. Such as, political pressure and negative publicity from the City of Miami, the current housing shortage, as well the deterioration of the site may facilitate a higher bid price if indeed this contract was bid again for the third time.

III. POLICY CHANGE AND IMPLICATION

The ***hearing examiner*** concluded that it would uphold MDHA's decision to award the contract to AARYA. ***The arbitrator*** on October 20, 2003, ruled in favor of awarding the contract to AARYA Construction. The ***County Manager*** rejected the hearing examiner decision to uphold MDHA's decision to award to AARYA, and recommended to award to F& L, the second lowest bidder as advised by CCIC. This decision was made in an effort to save the County approximately $330,000.

IV. ECONOMIC IMPACT

According to the estimates and the eleven bids associated with this rehabilitation project, it will cost over 3 million dollars in construction costs to rehabilitate a total of 84 units. This cost equates to $36,000 per unit. MDHA states that the site can be rebuilt and thus increase the density to 192 units on both sites for approximately 10 million or $52,000 per unit. **(See MDHA cost analysis)**

V. COMMENTS AND QUESTION

1. Currently, MDHA completed a request in December of for the demolition of this project. The U.S. HUD Special Application Center is currently reviewing the application.

BCC ITEM 7 (G) (1) (A)
February 3, 2004

2. MDHA estimates that it will be a minimum of six months before the demolition contract can be ready bid. This estimate is based upon the length of time needed time needed for U.S. HUD to complete its review process.
3. This site has not been inhabited for approximately three years.
4. The proposed new development will be financed in one of two ways:
   - U.S. HUD Section 202 Conversion. This method would primarily utilize HUD funds as well as Surtax funds. Using this funding mechanism this project could target elderly residents.
   - Tax Credits: This method would require the property to remain affordable for a period of years. Using this funding mechanism the project cannot solely target elderly residents.

Note: See attachment article from Miami Today

11/24/2002
Meeting with Francisco Garcia
City of Miami
Zoning Administrator

Both E.Virrick sites are **zoned R-3**
Need to verify if E. Virrick I has unity of title. If not, we must unify title before proceeding with new construction.

Zoning requirements

F.A.R.	0.75
Lot area Green Space as fraction of Gross lot area	0.15
Maximum height	50 feet
Parking Requirements for elderly housing utilizing the Class II Special Permit. Note: for every parking space reduction from the normal requirement MDHA must provide an equal area of "green space."	1 parking space per every two apartments

Elizabeth Virrick I
Potential development analysis (providing there is unity of title under the R-3 zoning category)

Gross lot area	104,663.36 square feet (337.7' x 309.93')
Required max. number of developable square feet	78,497.52 F.A.R. (.75)
Max. potential number of developable 1-BR. apartments (providing 555 sq. ft. per apartment)	141 apartments
min. number of parking spaces	71 parking spaces
Required min. "green" lot area in square feet	29,843 F.A.R. (.15) + equal area for reduced parking spaces
allowable height	50 feet
Developable lot area	74,820 square feet

Estimated Cost of New Construction

74,820 Sq. Ft. X $100 per sq. foot = $7,482,016

Elizabeth Virrick II
Potential development analysis

Gross lot area	37,686.49 square feet
Required max. number of developable square feet	28,264.87 F.A.R. (.75)
Max. potential number of developable 1-BR. apartments (providing 555 sq. ft. per apartment)	51 apartments
min. number of parking spaces	25 parking spaces
Required min. "green" lot area in square feet	10,746 F.A.R. (.15) + equal area for reduced parking spaces
allowable height	50 feet
Developable lot area	26,941 square feet

Estimated Cost of New Construction

26,941 Sq. Ft. X $100 per sq. foot = $2,694,076

Estimated minimum cost to build the allowable maximum number of apartments $10,176,091

ANALYZING CFP INVESTMENTS

VIRRICK VILLAGE 1 & 2

1 MODERNIZATION / DEVELOPMENT COST

DEMOLITION COST	$	718,200.00
CONSTRUCTION OR MODERNIZATION COST	$	2,311,800.00
TOTAL	$	3,030,000.00
OCCUPIED UNITS POST-REVITALIZATION		94
PER UNIT DEVELOPMENT COST	$	32,234.04
MONTHS (If rehab enter 180; if new enter 270)		270
AMORTIZED COST (per unit cost/months)	$	119.39

2 ACCRUAL COSTS

TOTAL DEVELOPMENT COST (TDC)	$	45,554.00
ADJUSTED TDC (minus 50% of per unit mod/development cost)	$	29,436.98
50 YEAR REPLACEMENT (X .02)	$	588.74
MONTHLY ACCRUAL (/12)	$	49.06

3 MONTHLY OPERATING COST

PROJECTED OPERATING COST (PUM)	$	270.00

4 TOTAL COST TO OPERATE AS PUBLIC HOUSING — $ 438.45

5 VOUCHER COST

UNITS	TOTAL	ADM	FMR	BEDROOM SIZE		
0	$ -			0 BDRM		
94	$ 473.00	$ 29.00	$ 444.00	1 BDRM	$	44,462.00
0	$ 563.00	$ 29.00	$ 534.00	2 BDRM		
0	$ 768.00	$ 29.00	$ 739.00	3 BDRM		
0	$ 848.00	$ 29.00	$ 819.00	4 BDRM		
0	$ -			5 BDRM		
94						

VOUCHER COST PER UNIT	$	473.00
LESSER OF PER UNIT DEMO OR 10% OF BDRM TDC DIVIDED BY 180	$	25.31
TOTAL PER UNIT VOUCHER COST INCLUDING DEMOLITION	$	498.31

6 EXCESS PUBLIC HOUSING OVER VOUCHER COST — $ (59.86)

(fails test)

City to county: Clean up old buildings before seeking approval for a new one

BY SUSAN STABLEY

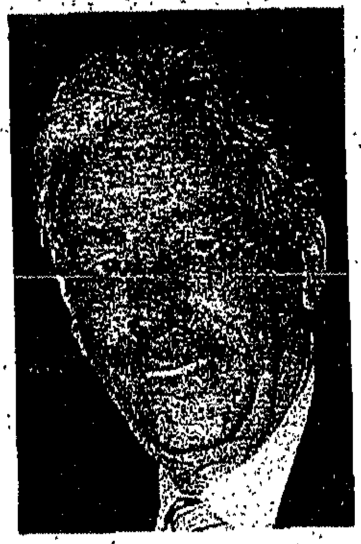
'We have beat the tar out of landlords in Wynwood. The only bad guys in the neighborhood ... guess who they are. The government.'

Johnny Winton

Miami city commissioners, upset by derelict properties controlled by the county, refused to approve a zoning request last week by the Miami-Dade Housing Agency.

Representatives of the housing agency need land-use and zoning changes for a proposed assisted-living facility for the elderly on 2.33 acres in the 900 block of Southwest 29th Court. The city's planning and zoning department, zoning board and planning advisory board had approved the project, according to city documents.

But when the project was presented during a planning and zoning hearing at city hall, City Commissioner Angel Gonzalez and Chairman Johnny Winton blasted the county agency over abandoned housing in Allapattah and Wynwood. Commissioner Tomas Regalado said he has a similar problem with a piece of property in his district.



Angel Gonzalez has 'a serious problem' with county's request.

Mr. Gonzalez told county housing representatives he had "a serious problem" with the request to build more housing when the agency has neglected properties.

"We have beat the tar out of landlords in Wynwood," said Mr. Winton, who said a cleanup campaign three years ago led to a renaissance in that part of his district. "The only bad guys in the neighborhood ... guess who they are. The government."

The Miami-Dade Housing Agency has an "awful record" of maintaining its property, Mr. Winton said during the hearing. Boarded-up duplexes that attract drug users and prostitution remain a "cancer" even after a tour the commissioner said he gave to housing officials two years ago.

With little leverage given to the city to force the county to fix the problems, Mr. Winton said, putting off any action on the proposed project might be the only way to get the agency to act on the abandoned units.

Miami-Dade has the sixth-largest housing agency in the US, according to the county. Its request for zoning changes was scheduled to return to the city commission Dec. 18.

The city would be willing to take over the properties, Commissioner Arthur Teele Jr. told agency attorney Carter McDowell, who was substituting for an ill Vicky Garcia-Toledo.

Miami-Dade Housing Agency spokeswoman Sherra McLeod said Monday that properties in Allapattah and Wynwood are being rehabilitated.

The housing agency is close to awarding a contract to fix up 45 units scattered in the Wynwood area, she said. Work began last month on 84 units in Allapattah at 1615 NW 25th Ave. and 2820 NW 23rd Ave. Completion is expected within six months, she said.

"They are vacant for a reason," Ms. McLeod said. "In this case, it is because we are going to rehabilitate them."

BCC ITEM 7(J)(1)(A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING ISSUANCE OF A NOTICE TO PROFESSIONAL CONSULTANTS FOR THE SELECTION OF ONE PROGRAM MANAGEMENT CONSULTANT FOR THE IMPLEMENTATION OF THE PEOPLE'S TRANSPORTATION PLAN

Miami-Dade Transit Agency

I. SUMMARY

This resolution seeks approval for Miami-Dade Transit (MDT) to advertise for the services of **Program Management Consultant** for the on-going implementation of the Peoples' Transportation Plan (PTP).

The Management Consultant will be tasked with, but is not limited to the following functions:

- Short and long range planning
- Facilities planning
- Project programming
- Feasibility Studies
- Traffic congestion Studies
- Alternatives Analysis
- Major Investments Studies
- Design oversight (Criteria and Standards)
- Engineering and Inspection Consultants
- Safety Certification
- Value Engineering
- Project Control
- Estimating Services
- Right of Way Acquisition
- Utility relocation and technical engineering skills

The initial term of this contract is expected to be seven (7) years.

II. PRESENT SITUATION

Miami-Dade County is currently using in-house staff and various outside contracts within different departments to accommodate several of the functions listed above. For example the Board of County Commissioners (BCC) recently approved a property appraisal services contract for acquisition of land associated with the PTP.

*** Further the County's Capital Improvement Construction Coordination (CICC) office already executes many of the same functions listed above. Recently the BCC also approved the PTP Expedite Ordinance, when this item came before the Transportation

Committee, the Office of Legislative Analysis inquired as to whether the CICC had the manpower and/or expertise to handle the oversight of the build-out of the PTP. The response from the CICC to the OLA was that as current projects (i.e. QNIP, DORM, etc…) cycle through, that the CICC would be able to handle construction oversight.

The closest comparable contract within Miami-Dade County is the current contract between the Miami-Dade Aviation Department (MDAD) and the Dade Aviation Consultants (DAC).

III. POLICY CHANGE AND IMPLICATION

The implication of advertising and awarding this service is that the County will not have to hire as many "in-house" employees to oversee the build-out of the PTP. The departments involved in this program also contend that hiring a firm, or consortium of firms, to handle the oversight of the estimated $17 billion construction program will help expedite the program by giving the County the expertise without having to hire the employees.

However, this work program is a thirty (30) year constant build-out. Any employees hired by the County now for this purpose, in all actually, would be fully utilized for many years at a County Salary, instead of a multiplier. As with DAC (who has been under contract with the County for 12 years now), it is reasonable to estimate that the County will need these services for at least the next 20-30 years.

Further, as the County establishes a negotiated multiplier, the current "Industry Standard" according to the Public Works Department (Items brought to the January 15 Transportation Committee) is a multiplier of **2.85** for office personnel and **2.1** for field personnel. **Therefore, for every $1 the consultant pays an employee, the county would provide $2.85 or $2.10 to the consultant**. Multipliers like these are common practice in the consulting industry. These multipliers are designed to compensate the consultant for reasonable fringe benefits, overhead, and profit.

<u>This is not an RFP</u>

Because this item is a Notice to Professional Consultants (NTPC), ***not an RFP***, under County Code Sec. 2-10-4, the Board of County Commissioners (BCC) may only approve or reject the Manager's recommendation. For instance, if the second ranked proposer files a protest and is over ruled, the BCC may not recommend an award to that company.

IV. ECONOMIC IMPACT

The estimated cost associated with this contract is $84 million over seven (7) years (or $12 million per year) with three (3) one year options to renew. **If those options are exercised, the contract could exceed $120 million.**

Comparison to the DAC Contract

To date Miami-Dade County has paid DAC approximately $160 million (an average of about $16 million per year). The largest amount of compensation was paid out for FY 00/01 in the amount of $20.4 million. This was at a smaller multiplier of 2.42 for a smaller scale project (approximately $6 billion for the CIP as opposed to $17 billion for the PTP build out).

*** For comparisons sake, the multiplier for the first ten (10) years of the DAC contract was 2.42.***

V. COMMENTS AND QUESTIONS

According to a March 2003, memorandum (Attachment 1), from previous County Manager Steve Shiver, The total cost of consulting services to Miami-Dade County was $257 million. Not including other contracts entered into between that time until now, **this contract would increase the total amount the County pays to consultants by approximately 32% to $341 million.**

This item presents a double edge sword to commissioners. On the one hand, the County needs the expertise to insure the PTP is handled as expediently and as efficiently as possible. However, the County also runs the risk of the publicity that has at times debunked contracts such as the DAC contract, as wasteful and self serving to special interests.

Funding Source discrepancy

Further, the back-up information has conflicting information in terms of the funding source to be utilized for these services. Handwritten page 2 list the source as **100% FTA** (Federal Transportation Administration) and handwritten page 8 (a DBD memorandum) states that the **"…the contract is partially funded with federal dollars".**

If it is in fact 100% Federally funded, which grant program are we accessing and how can we be sure that the County will receive a full funding agreement for these services, prior to establishing the specific services and selecting a recipient?

Term of Contract

Although this request lists the term of the proposed contract as seven (7) years, it is reasonable to expect that this contract would be extended. The reason for this expectation is that the County will be reluctant to change a master project manager in the middle of any major projects. Given the time it takes to complete these types of projects, seven (7) years would put the County in the middle of the North Corridor project and in the initial phases of the East/West Corridor. It is highly unlikely that anything short of a total failure on the part of the Program Manager would result in this contract not being extended.

BCC ITEM 7(J)(1)(A)
February 3, 2004

Attachment 1

MEMORANDUM

TO:	Honorable Joe A. Martinez County Commissioner, District 11	DATE:	March 11, 2003
FROM:	Steve Shiver County Manager	SUBJECT:	Consulting Contract Inventory Update

As requested on February 4, 2003 we have completed an inventory of the consulting services used throughout the County. Similar to the report prepared in response to your request last July 2002, we have defined consulting contracts to include all projects related to financial management, operational consulting, general management, and IT advisory services. Architectural and engineering contracts have been excluded, except for those contracts dealing with bond engineers.

Attached is a list of active consulting contracts as of January 31, 2003 used by all County Departments. Since the last report, a number of large IT state contracts have been replaced by County contracts. For your review, we have included the name of the consultant, the purpose of the contract, the type of consulting, and the contract amount. You will note that although the total cost associated with these consulting services is significant ($257 million), three contracts account for over 79% of the total. These are: Dade Aviation Consultants ($178.5 million), Brown & Caldwell ($16.7 Million), and IBM ($8.4 million). The remaining $53.4 million represents 113 contracts utilized by all County Departments.

Attachment

Cc: Honorable Alex Penelas, Mayor
Honorable Chairperson and Members,
Board of County Commissioners
Assistant County Managers
Corinne Brody, Director, Office of Performance Improvement
Eric McAndrew, Office of Legislative Analysis

BCC ITEM 7 (O) (1) (A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ARTHUR J. GALLAGHER & COMPANY - FLORIDA, TO OBTAIN A MIAMI-DADE HOUSING AGENCY (MDHA) PROPERTY INSURANCE PROGRAM, AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN - CONTRACT NO. 396

Procurement Management Department

I. SUMMARY

This item authorizes the County to award Miami Dade Housing Agency (MDHA) Property Insurance Program to Arthur J. Gallagher & Company. Furthermore, this item authorizes the facilitation of brokerage coverage that procures an insurance program which effectively and efficiently best suits the County's needs. Moreover, the brokerage coverage provides that the broker will assist the County in managing the Property Insurance Program. All MDHA properties are covered under this program with the exception of Non-Public Housing.

II. PRESENT SITUATION

Presently, the previous broker fees were $192,000 for past six years (three years with three, one-year options to renew which were all excised). The Property Insurance Program consists of property insurance premium which is currently $1,605,312 per year. The previous contract (Contract No. 153) for this program was with Marsh USA Incorporated. The previous contract included broker qualifications and pricing for the actual insurance program.

III. POLICY CHANGE AND IMPLICATION

The approval of this Property Insurance Program is consistent with current policies and policies and procedures regarding the Program.

BCC ITEM 7 (O) (1) (A)
February 3, 2004

IV. ECONOMIC IMPACT

The economic impact associated with this item is $25,000 annually for the initial three years of insurance coverage. If all option years are exercised the total broker fee will be $150,000.

V. COMMENTS AND QUESTIONS

- The Master Property Insurance Program broker is Arthur J. Gallagher, this contract was awarded by the BCC on 10/07/03.
- Arthur J. Gallagher is providing all services outlined in this contract, there are no sub contractors providing services on this contract.
- The other companies that bid on this contract are as follows:

Proposer	***Technical Score***	***Price Score***	**Total Score Technical *& Price***	***Price/Cost Submitted****
Arthur J. Gallagher & Company - Florida	349	125	474	$76,531
Marsh USA Inc.	333	90	423	$105,000
Aon Risk Services, Inc. of Florida	319	40	359	$226,866

BCC ITEM 7(O)(1)(B) and Supplement
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPOINTING SQUIRE, SAUNDERS & DEMPSEY, L.L.P. WITH THE KNOX FIRM, HOLLAND & KNIGHT LLP WITH LAW OFFICES OF STEVE E. BULLOCK, P.A., AND GREENBERG TRAURIG, P.A. WITH EDWARDS & CARSTARPHEN TO COUNTY BOND COUNSEL POOL; BRYANT MILLER & OLIVE P.A. WITH MANUEL ALONSO-POCH, P.A., ADORNO & YOSS, P.A. WITH CLYNE & SELF, P.A., AND FOLEY & LARDNER WITH RICHARD KUPER P.A. TO THE AUTHORITY BOND COUNSEL POOL; HUNTON & WILLIAMS, LLP WITH LAW OFFICES WILLIAMS & ASSOCIATES, P.A., HOGAN & HARTSON, L.L.P. WITH MCGHEE & ASSOCIATES AND LAW OFFICES JOSE A. VILLALOBOS, P.A. AND EDWARDS & ANGELL, LLP WITH RASCO REININGER PEREZ & ESQUENAZI, P.L. TO THE DISCLOSURE COUNSEL POOL AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE LETTERS OF ENGAGEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY RFQ NOS. 53A & B

REPORT ON REQUEST FOR QUALIFICATION 53-B DISCLOSURE COUNSEL

Procurement Management Department

I. SUMMARY

This resolution authorizes award to the following firms to County Bond Counsel, Authority Bond Counsel and Disclosure Counsel Pools (RFQ 53A and 53B):

County Bond Counsel Pool (County Pool)

Respondent Firm	Associate Firm
Squire Sanders & Dempsey L.L.P.	The Knox Firm
Holland & Knight L.L.P.	Law Offices of Steve E. Bullock, P.A.
Greenberg Traurig, P.A.	Edwards & Carstarphen

Authority Bond Counsel Pool (Authority Pool)

Respondent Firm	Associate Firm
Bryant Miller & Olive, P.A.	Manuel Alonso-Poch, P.A.
Adorno & Yoss, P.A.	Clyne & Self, P.A.
Foley & Lardner	Richard Kuper, P.A.

Disclosure Bond Counsel Pool (Disclosure Pool)

Respondent Firm	Associate Firm
Hunton & Williams, L.L.P.	Law Office Williams & Associates, P.A.
Hogan & Hartson, L.L.P.	McGhee & Associates and Law Offices Jose Villalobos, P.A.
Edwards & Angell, L.L.P.	Rasco Reininger Perez & Esquenazi, P.L.

The term of the contracts will be for one (1) year and four (4) one-year options to renew. Contract measures are not applicable to bond counsel, pursuant to County administrative orders.

II. PRESENT SITUATION

In 1998, through RFQ BC 97/98, the following joint ventures were selected for the County's Bond Counsel Pools to be awarded work on a rotating basis:[1]

County Bond Counsel Pool

Senior Firm	Jointly with (Junior firm)	Fees paid as of 4/03
Greenberg Traurig et al	Edwards & Carstarphen	$465,179
Holland & Knight	The Law Offices of Steve Bullock, P.A.	$582,250
Squire Sanders & Dempsey	McCrary & Associates[2]	$463,951

Authority Bond Counsel Pool

Senior Firm	Jointly with (Junior firm)	Fees paid as of 4/03
Adorno & Zeder and Jones Hall	Clyne & Associates	$935,000
Bryant Miller & Oliver	Manuel Alonso & Poch	$946,098
Eckert Seamans et al.	Haley, Sinagra & Perez, P.A.	$960,397

Disclosure Bond Counsel Pool

Senior Firm	Jointly with (Junior firm)	Fees paid as of 4/03
McKenzie, McGhee & Harper	Villalobos Law Firm	$288,060
Ruden McClosky	Lacasa & Associates	$298,750
Sales Goodloe & Golden	DeLa Pena, etal & Williams	$362,250
Nabors, Giblin & Nickerson	Law Offices Harold Long	$412,500

The contract period is for three (3) years with two (2) one-year options to renew. The current contract expired in November 2003, but was extended for up to six months until these new pools are established (Resolution #R-1324-03).

III. POLICY CHANGE AND IMPLICATION

Note the following RFQ conditions:

- Inclusion in any of the Pools does not guarantee work. The RFQ states that the County will assign transactions to the Pool members within each Pool on a rotational basis with a view for an equal division of work based on compensation earned and quantity of work.

- The same firms were not eligible to serve in all pools, but there was no restriction as to awarding of contracts to incumbents. Assignments to the County Pool were made before the Authority Pool. Thus, the fourth, fifth and sixth ranked firms were awarded to the Authority Pool because the first, second and third ranked firms were already awarded to the County Pool. The top three ranked firms were selected under the Disclosure Pool.

- The County has the discretion to allow a Respondent to replace its Associate Counsel, given that the firm meets certain requirements, if the termination of the contract with Associate Counsel is altered due to events beyond its control (e.g. the death of an

[1] See handwritten pages 86-90 in this item for all the bond transactions and fees paid for each.
[2] The Knox Firm replaced McCrary & Associates in June 2003.

attorney). *This would eliminate the need to come to the Board of County Commissioners (BCC) for a wavier, as in under the current contract when an Associate Counsel was replaced in June 2003, after BCC approval.*

IV. ECONOMIC IMPACT

It is projected that $500,000 will be expended per year under each pool; however, the actual amount will vary depending on the amount of bond transactions. The total spent on all bond counsel services (as of April 2003) was $6.1 million over five years (approx. $400,000 per year per Pool). Calculation of the total fee is based on the size of the bond issue and the split between the firms. *Payment for these services will be from bond issuance proceeds.*

V. COMMENTS AND QUESTIONS

The current RFQ required a joint venture of a "Senior" firm and "Junior" firm. The junior firm was required to be minority-owned and controlled, in existence for six months prior to the due date of the RFQ, and to have an operational office within Miami-Dade County. This new RFQ did not have this junior firm requirement, but did require the associate firm to have gross revenues of less than $5 million annually for the past three years.

The supplemental report to this item addresses issues raised at the Jan. 15, 2004 Budget & Finance Committee by proposers that were not recommended for inclusion in the Disclosure Counsel pool. The basic assertions made were:

- *The RFQ did not consider incumbent firms' past performance with the County*
  Manager's response: No special consideration was offered to incumbent firms so that all qualified firms would be able to compete on a "level playing field". Note: As part of the evaluation, respondents included a listing of bond transactions they have worked on over the past two years.
- *Certain firms recommended for award didn't meet RFQ requirements.*
  Manager's response: All the recommended firms meet the minimum requirements set forth in the RFQ.
- *The Disclosure Pool should be 5 firms, instead of the recommended 3 firms. (The current pool is 4 firms).*
  Manager's response: The recommended Disclosure pool will be 3 firms, assigned work on a rotating basis. Disclosure counsel will be assigned along with a firm from the Bond counsel pools (which also include 3 firms each) to each bond transaction.

BCC ITEM 7(O)(2)(A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AMENDING ADMINISTRATIVE ORDER 3-34 GOVERNING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES TO AUTHORIZE USE OF THREE MEMBER SELECTION COMMITTEES FOR SMALLER RFPS AND RFQS, AND TO AUTHORIZE THE ADDITION OF NONVOTING TECHNICAL ADVISORS

Commissioner Rebeca Sosa

I. SUMMARY

Items amends the Miami- Dade County Administrative Order 3-34 governing the formation and performance of selection Committees.

II. PRESENT SITUATION

Pursuant to A.O. 3-3.4, selection committees are utilized in the procurement process for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award.

III. POLICY CHANGE AND IMPLICATION

- Item amends the selection committee process by using three voting members by adding language for RFP/RFQ's that are under the dollar threshold for formal sealed bids (currently, $100,000).
- Allows the Director of the user department, and the Directors of the Departments of Business Development and Procurement Management the opportunity to request additional non-voting technical advisors to supplement the technical expertise of selection committees.

IV. ECONOMIC IMPACT

No fiscal impact is anticipated, provided that "technical advisors" are not compensated for their time and services.

V. COMMENTS AND QUESTIONS

The advisor being specified as "non-voting" limits the extent of influence they will have in the selection committee process.

The item specifically delegates the ability to select advisors to Department Directors, not the County Manager.

BCC ITEM 7(R)(1)(A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO ACCEPT AND RELEASE WATER AND SEWER EASEMENTS AT NO COST TO MIAMI-DADE COUNTY AND TO EXECUTE ANY APPROPRIATE DOCUMENTS FOLLOWING REVIEW BY THE COUNTY ATTORNEY

Water and Sewer Department

I. SUMMARY

Authorizes the County Manager or Designee to accept and release Water and Sewer Easements.

II. PRESENT SITUATION

Currently, Miami-Dade Water and Sewer Department accepts donated easements for the installation and maintenance of new water and/or sewer facilities throughout Miami-Dade County and releases such easements when they do not need it in order to facilitate construction or conveyances of property and remove unnecessary encumbrances from privately owned property.

III. POLICY CHANGE AND IMPLICATION

Item would accept water and sewer easements needed by the Department and would also give it authority to release water and sewer items no longer needed by the Department.

The acceptance and release of water and sewer easements would be done administratively. This item allows the County Manager or Designee to approve them without it being heard by the Board of County Commissioners.

IV. ECONOMIC IMPACT

No fiscal impact is anticipated.

V. COMMENTS AND QUESTIONS

Since 2000, the Water and Sewer Department has forwarded 33 approvals for either release or acceptance of easements to the Board of County Commissioners.

There is no time limit or sunset provision on this item.

AGENDA ITEM 7 (P) (3) (A)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMICIMPACTSTATEMENT

CONTRACT AWARD RECOMMENDATION TO MARIN AND MARIN CONSTRUCTION, INC. FOR ISLAND NO. 3 ENHANCEMENT PROJECT FOR PROJECT NO. 20030045 (FORMERLY 693468) BETWEEN THE 36TH STREET CAUSEWAY AND THE VENETIAN CAUSEWAY (WEST OF INTRACOSATAL WATERWAY)

Public Works Department

I. SUMMARY

The item recommends the awarding of a contract between Marin and Marin Construction, Inc. and Miami-Dade County.

II. PRESENT SITUATION

The Public Works Department and the Department of Environmental Resources Management recommend that *Marin & Marin Construction, Inc.*, the lowest responsive, responsible bidder, be awarded the subject project.

This project consists of the removal of exotic vegetation, placement of ground cover (Sand) and planting of native vegetation on Island #3 (Just off Biscayne, immediately North of the Julia Tuttle Causeway) and additional planting on Island #1 (North of Venetian Causeway).

Three experienced contractors proffered bids on the subject project. The low bidder's price:

COST ESTIMATE:	($199,500.00)
MARIN AND MARIN CONSTRUCTION, INC.:	($209,745.00) √
ADVENTURE ENVIRONMENTAL, INC. :	($224,368.00)
NATIVE TECHNOLOGIES, INC. :	($229,313.70)

Arithmetical errors made by bidders have been corrected and reflected in the attached bid tabulation. Among the errors were numerical unit values not matching the written word, these changes were made in Bid Tabulation summary in accordance to contract language provisions.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

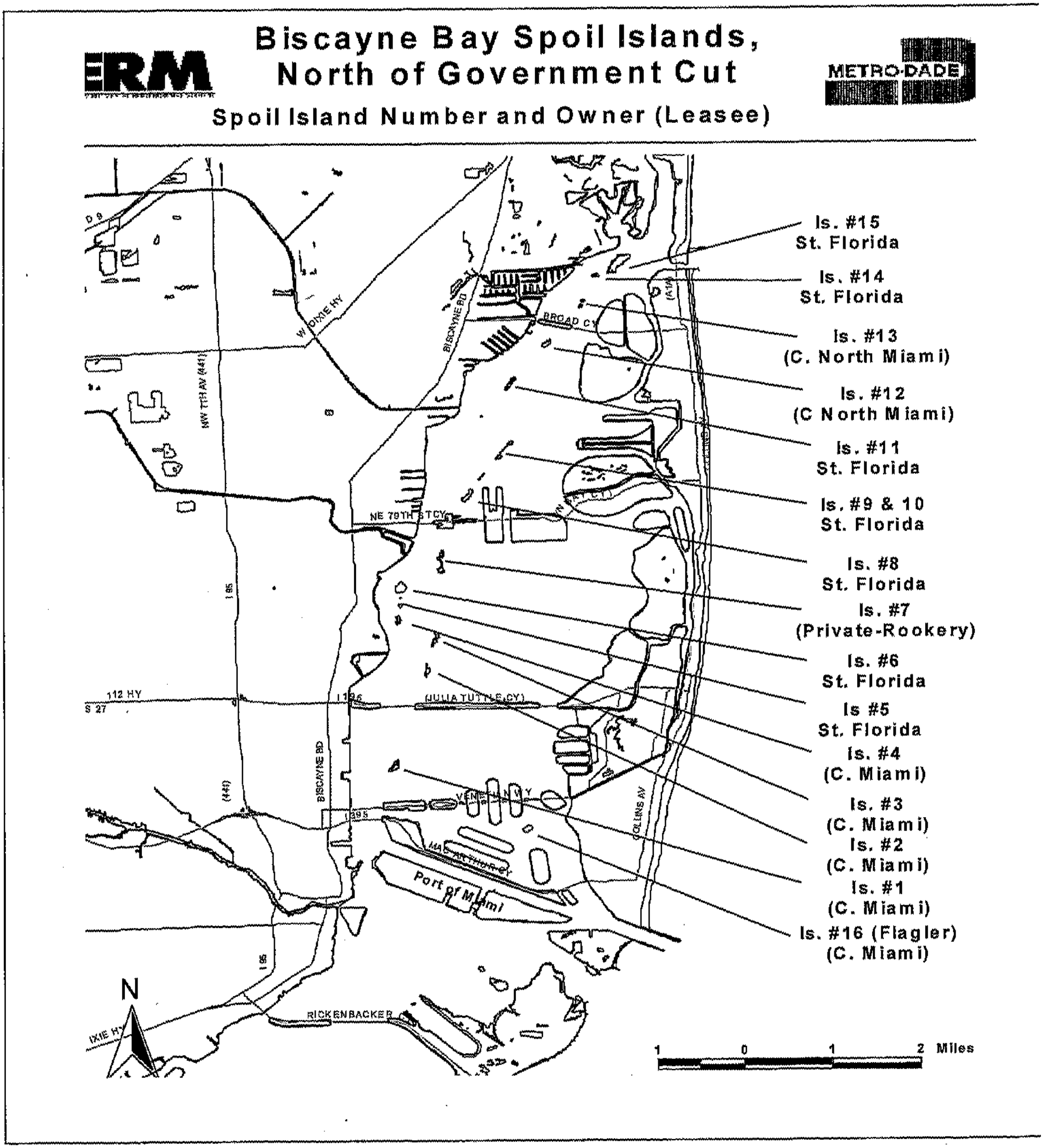
None.

V. COMMENTS AND QUESTIONS

Staff provided the following information:

-**Funding Source**: 50% Biscayne Bay Environmental Trust Fund and 50% Florida Inland Navigational District Fund

Bay Island Map and Ownership (Leasee)



BCC ITEM 10(A)(1)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING CONTINUATION OF APPLICATION OF QNIP MONIES TO PAYMENT OF COST OF PROJECTS IN CITY OF MIAMI GARDENS ON CERTAIN CONDITIONS

Commissioner Betty T. Ferguson

I. SUMMARY

This resolution authorizes the distribution of Quality Neighborhood Improvement Program (QNIP) funds for previously approved projects in District 1, currently the City of Miami Gardens (identified in Exhibit A, handwritten page 6).

II. PRESENT SITUATION

According to the Incorporation & Annexation Unit in the Office of Strategic Management (OSBM), the current policy is that newly incorporated cities must continue to pay its share of the debt service on QNIP Bond issued prior to its incorporation. In addition, for any pending QNIP projects, the phase in progress is completed, but no additional QNIP commitment is made.

About 90% of QNIP Bonds are backed by unincorporated area revenues (i.e. utility taxes) *at the time financing is done*. Because the distribution of QNIP projects are in part based on the UMSA population, identified "priority projects," and the approval of Commissioners, there are some areas that will be the recipient of more QNIP projects than it is paying debt service for, and vice versa.

III. POLICY CHANGE AND IMPLICATION

As a condition of incorporating, the City of Miami Gardens was required to continue to pay its portion of the debt service on QNIP Bonds issued prior to its incorporation in 2003. Adopting this resolution would entitle the City of Miami Gardens to QNIP funding previously committed to it under the QNIP bonds for which it is paying debt service for.

The Board of County Commissioners would need to approve any changes to the projects list. The resolution does not preclude the ability to shift funds among the approved projects within the funding totals. The item also authorizes the County Manager to negotiate and execute a contract with the City for disbursement and monitoring of the QNIP funds. This should mitigate concerns that the City could use the funds contrary to the intent of QNIP funds.

When Miami Lakes Incorporated, the District Commissioner decided to redirect QNIP fund which were allocated in the new City to other areas of District 13.

IV. ECONOMIC IMPACT

The referenced QNIP funds total $5,609,588 and breakdown by category of spending as follows:

Parks	$2,737,653	Drainage	$1,255,095
Resurfacing	$1,369,500	Sidewalk	$ 247,340

Pursuant to this resolution, up to 25% QNIP funds for a particular project can be advanced to the City once the City and County have negotiated the terms.

V. COMMENTS AND QUESTIONS

Section 4 of the resolution states that other municipalities within the County will not receive "Favored Nation" treatment with respect to this legislation. This means that this resolution only applies to the City of Miami Gardens. For this to apply to other recently incorporated cities, further BCC action would be necessary. **But it is to be expected that new municipalities will want to negotiate QNIP funds as a result of the precedent set by this resolution.**

- Will this set a precedent for recently incorporated and/or future incorporated cities? Should other incorporated cities which are obligated to continue paying it share of the debt service on QNIP bonds be entitled to receive QNIP funds, pursuant to the above stated conditions, as well?

According to Capital Improvements Construction Coordination, certain projects are not fully-funded with QNIP monies. For example, it may be only 80% QNIP and 20% other County funds.

- Pursuant to this resolution, the City of Miami Gardens would only be entitled to the QNIP funds.
- Should the County advance QNIP funds to the already indebted City? Should the County make the improvements instead of allowing the City to make them?

BCC ITEM 10(A)(11)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING THE COUNTY MANAGER, THROUGH THE OFFICE OF COUNTYWIDE HEALTHCARE PLANNING, TO PREPARE A FEASIBILITY REPORT WITHIN 60 DAYS ON HOSTING THE 2005 PAHO HEALTH PROMOTION FORUM OF THE AMERICAS IN MIAMI-DADE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 033036]

Senator Javier D. Souto

I. SUMMARY

This resolution has evolved into a direction to the County Manager, through the Office of Countywide Healthcare Planning (OCHP), to prepare a feasibility study regarding the coordination of the Pan American Health Organization (PAHO) *Health Promotion Forum of the Americas* to be held in Miami-Dade County in 2005.

II. PRESENT SITUATION

PAHO is an affiliate of the World Health Organization. According to the PAHO website, the mission of PAHO is to strengthen national and local health systems and improve the health of the people of the Americas, in collaboration with other entities. The membership of PAHO is as follows: **Member States** include all thirty-five (35) countries in the Americas. **Associate Member** is Puerto Rico. **Participating States** include France, Kingdom of the Netherlands, The United Kingdom of Great Britain and Northern Ireland. **Observer States** are Portugal and Spain.

In 2002, PAHO sponsored its *Health Promotion Forum of the Americas* in Chile, which cost $350,000 according to staff.

III. POLICY CHANGE AND IMPLICATION

This resolution will result in the completion of a study to determine the feasibility of the Office of Countywide Healthcare Planning (an office created to address healthcare needs of County residents) coordinating and providing funds for this event. Additionally, this study will identify the funding necessary for this event, and the financial contributions to be made by all parties involved in hosting the *Health Promotion Forum of the Americas* in Miami in 2005.

IV. ECONOMIC IMPACT

The feasibility study is expected to develop more concrete financial projections for the *Health Promotion Forum.* However, initial financial projections made by staff indicates that the economic impact of the event is as follows:

Miami-Dade County	$100,000
PAHO	$100,000
Fundraising[1]	$150,000

(Economic Impact continued on next page)

[1] According to staff PAHO expects the coordinators of the event (OCHP) to identify additional local funding, and to participate in local fundraising efforts.

Please note however, that the above described amounts do not include personnel costs, such as security and staff, needed to coordinate this event.

V. COMMENTS AND QUESTIONS

- Some staff members, however, suggest that monetary donations from corporations and philanthropic organizations may decrease the County's contribution.
- According to staff, the Public Health Trust is supportive of the event, but is unable to provide funding for this event.
- According to staff, PAHO will handle the scheduling and structuring of the conference, and the County will be responsible for handling logistics, such developing the budget, organizing program events, and hosting the forum for 600-800 people.

Questions:

- Are other entities being considered as possible host sites for the PAHO conference? If so, will that relieve the Office of Countywide Healthcare Planning of its proposed responsibility of coordinating this event?

BCC ITEM 11(A)(1)
February 3, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY THE PEOPLE'S TRANSPORTATION PLAN EXPEDITE ORDINANCE NO. 03-193 AMENDING SECTIONS 2-8.2.6 AND 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING PEOPLE'S TRANSPORTATION PLAN ACTIVITIES LISTED ON THE ATTACHED SCHEDULE

County Manager

I. SUMMARY

This resolution seeks ratification for actions taken by the County Manager in December of 2003 in conjunction with projects contained in the Peoples' Transportation Plan (PTP).

All PTP projects contained in the County's Transportation Improvement Plan (TIP) are authorized to be processed under the County's Expedite Ordinance once approved by the Citizens' Independent Transportation Trust (CITT).

Fifteen (15) projects are contained in this item to be advertised for proposals by the County Manager.

II. PRESENT SITUATION

Miami-Dade County has completed its first year of revenue collection through the Charter County Transportation System Surtax (Surtax). The average estimated annual revenues derived from the Surtax are approximately $160 million.

On September 23, 2003 the Board of County Commissioners approved the inclusion projects listed under the PTP and TIP within the County's Expedite Ordinance.

III. POLICY CHANGE AND IMPLICATION

The County Manager contends that approval of these items will help to expedite various projects associated with the PTP.

Five of the projects contained in this item, listed as sidewalk and drainage items, raise the question as to why separate contracts are being awarded sidewalk and drainage work which are obviously related to larger road work projects.

Shouldn't the "Scope of Work" for the original road work contracts contained provisions for sidewalk and drainage provisions?

If the original contractor is on-site doing the road work, wouldn't it be more expedient to have the same contractor provide the associated improvements to the sidewalk and drainage infrastructure affected by the road work?

IV. ECONOMIC IMPACT

The total estimated cost for these 15 projects is $ 14.5 million.

If the projects listed are part of the PTP, they would be eligible for some, or all, of the funding from Surtax revenues.

V. COMMENTS AND QUESTIONS

Were any of these projects contained in the Public Works Department's Work Program prior to the passage of the Peoples' Transportation Plan?

If so, shouldn't those projects be considered "Maintenance of Effort" and thus not be funded through the Charter County Transportation Surtax.